

~~EXHIBIT~~ EXHIBIT C

CO-30 A	NEW JERSEY STATE PRISON	Rev. 3/1/21
POSTAGE REMIT		
DATE: <u>1/18/24</u>	LOCATION: <u>6R81</u>	
SBI NUMBER: <u>1023176</u>		
INMATE NAME: <u>CAVER MCGILLVARY</u>		
INMATE SIGNATURE: <u>[Signature]</u>		
TO: BUSINESS MANAGER	DATE MAILED:	
(✓) Check Appropriate Box (s)		
<input type="checkbox"/>	Legal Postage	\$
<input type="checkbox"/>	Certified Cert. #	
<input type="checkbox"/>	Return Receipt Requested	
<input checked="" type="checkbox"/>	Postage Affixed; SEND DIRECT Legal Postage Only TO MAILROOM	<u>7</u>
<input type="checkbox"/>	Regular Postage or UPS Property	
<input type="checkbox"/>	Additional Insurance Amount \$	
<input type="checkbox"/>	No Postage Inter Office Mail	
Weight of Mail/Property	Total Postage and Fees	\$
SENT TO: <u>MARGARET RAYMOND-FLOOD</u>		
ADDRESS: <u>400 CROSSING BLVD, 8TH FLR</u> <u>BRIDGEWATER, NJ 08807-5933 ENCL: [unclear]</u>		
WITNESS:	APPROVED BY:	
SIGNATURE: <u>[Signature]</u>		
CHECK#	DATE:	

Caleb L. McGillvary, Pro Se
#1222665/SBI#102317G NJSP
PO Box 861 Trenton, NJ 08625

JANUARY 18, 2024

Margaret Raymond-Flood
c/o Norris McLaughlin, P.A.
400 Crossing Blvd., 8th Floor
Bridgewater, NJ 08807-5933

RE: Caleb L. McGillvary v. Rahmo Reiz
Civil Action No. 3:22-cv-06430-MAS-LHG
Hon. Michael A. Shipp, U.S.D.J.
Hon. Lois H. Goodman, U.S.M.J.

Dear Ms. Raymond-Flood;

Pursuant to my call to your office yesterday, January 17, 2024; as per the request of your colleague "Matt" which I reached at (908)252-4228 when I called for a pre-motion conference; I note the following deficiencies in your responses to my interrogatories and requests to produce in the above-captioned matter:

1.) The objections, answers, or other responses that were served upon me by Defendant Rahmo Reiz on January 12, 2024 in response to the request for production of documents were inadequate and failed to produce the documents requested in Requests 1 & 2, namely:

- a.) the documents bates stamped MED000096-96 indicate the existence of a "dental chart" which was not provided;
- b.) the documents bates stamped MED000097 indicate the existence of an "xray" and a "dental chart" which were not provided;
- c.) the documents bates stamped MED000099 indicate the existence of a "last exam" on 06/26/19, any record of which was not provided;
- d.) the documents bates stamped MED000149 indicate the existence of an "xray" which was not provided;
- e.) the documents bates stamped MED000151 indicate the existence of an "nv exam", any record of which was not provided;
- f.) the documents bates stamped MED000238 indicate the existence of a "dental chart" which was not provided, and a "last cleaning" on 06/26/19 any record of which was not provided;
- g.) the documents bates stamped MED000311 indicate the existence of an "dental chart", any record of which was not provided;
- h.) the documents bates stamped MED000312 indicate the existence of a "panorex" which was not provided;
- i.) the documents bates stamped MED000313 indicate the existence of a "dental chart" which was not provided;
- j.) the documents bates stamped MED000314 indicate the existence of a "radiograph panorex" which was not provided;

2.) Rahmo Reiz failed to respond to the following Interrogatories in a timely and meaningful manner, as specified as follows:

- I.) "INTERROGATORY NO. 1. State the name and address of each

person who may have information relative to the claims at issue in this action, specifying what information such person has and where, when, and how they obtained it."

Defendant has failed to answer "specifying what information such person has and where, when, and how they obtained it."

II.) "INTERROGATORY NO. 5. Do you, your attorneys, or any person employed by you or your attorneys, have possession of, or know of the existence of, any: Books or other printed material; Records or reports made in the course of business; Photographs, moving or still or x-ray; Drawings, charts, maps, or diagrams; Other documentary material; Models, specimens, or samples; Other tangible objects that contain information bearing on the issue of Plaintiff's dental diagnosis and treatment; Electronically Stored information bearing on the issue of Plaintiff's dental diagnosis and treatment; or Other tangible objects that are relevant to Plaintiff's dental diagnosis and treatment, or that you intend to rely on to support the allegations of your answer?" Defendant has failed to state or otherwise describe the following documents or records, the existence of which are indicated by the following Bates-stamped records:

- a.) the documents bates stamped MED000096-96 indicate the existence of a "dental chart" which was not provided;
- b.) the documents bates stamped MED000097 indicate the existence of an "xray" and a "dental chart" which were not provided;
- c.) the documents bates stamped MED000099 indicate the existence of a "last exam" on 06/26/19, any record of which was not provided;
- d.) the documents bates stamped MED000149 indicate the existence of an "xray" which was not provided;
- e.) the documents bates stamped MED000151 indicate the existence of an "nv exam", any record of which was not provided;
- f.) the documents bates stamped MED000238 indicate the existence of a "dental chart" which was not provided, and a "last cleaning" on 06/26/19 any record of which was not provided;
- g.) the documents bates stamped MED000311 indicate the existence of an "dental chart", any record of which was not provided;f.)
- h.) the documents bates stamped MED000312 indicate the existence of a "panorex" which was not provided;
- i.) the documents bates stamped MED000313 indicate the existence of a "dental chart" which was not provided;
- j.) the documents bates stamped MED000314 indicate the existence of a "radiograph panorex" which was not provided;

III.) "INTERROGATORY NO. 6. If so, for each item, state:

- a. Its description, form, name, number, or other means of general identification
- b. Its size
- c. The date on which it was made, prepared, or taken
- d. The name, or other means of identification, address, job title or capacity, and relationship to you of each person who made, prepared or took it
- e. The address or location of the place where it was made, prepared or taken

- f. The method by which it was made, prepared or taken
- g. The purpose for which it was made, prepared or taken
- h. The name, or other means of identification, address, job title or capacity, and relationship to you of each person who authorized, ordered or approved its making, preparation or taking
- i. The number of copies or duplicates that were made
- j. The cost of preparation or taking
- k. The cost of reproducing a copy or duplicate, and the time such reproduction or duplication would take
- l. Its present location, indicating address and location within the address
- m. The name, address and job title of each person who has custody of the original
- n. The name, address and job title of each person who has possession of a copy of it
- o. In what way it is relevant to the subject matter of this action
- p. The method and procedure of its storage and retrieval in records archives or information systems"

The Defendant's answer was non-responsive to the question, and was so deficient as to constitute no answer at all. The Defendant's sparse argument that the requested information is "disproportionate to the needs of the case in light of Plaintiff's sole remaining claim following the Court's Order dismissing Plaintiff's claims" is unsupported by fact or law, and any argument therefor has been waived by failure to raise in response. Such objection is unjustified and/or frivolous in light of Plaintiff's need to prove causation, in light of the Defendant's failure to produce records showing the Defendant's causation of injury to Plaintiff's tooth #14. Defendant should be required to produce electronically stored information bearing upon the issue of Plaintiff's dental diagnosis and treatment, because that information contains metadata which will show every date and time at which the original native files were accessed, altered, or modified; and such metadata can show the existence of the records showing causation, and lead to their discovery. That metadata exists on machines that must be identified by Defendant so as to provide for forensic examination thereof to support the element of causation necessary to prove Plaintiff's 8th Amendment claim.

IV.) "INTERROGATORY NO. 7. Have any of the items mentioned above been altered in any manner since this action arose or after the item was initially made, taken, or prepared?" Defendant's answer has failed to account for at least 2 entries specifically marked "append"; both by Samuel Lopez in relation to actions either taken by or entries made by Defendant; bates-stamped MED000151 and MED000311 in Defendant's Response to Plaintiff's First Set of Requests for Production of Documents.

V.) "INTERROGATORY NO. 8. If so, for each item, state:

- a. Its description
- b. Each date on which it was altered
- c. A description of each alteration
- d. The reason for each alteration

e.The name, address, and job title of each person who made the alteration"

Defendant has failed to answer this question in light of the information given in "IV" above; and should be required to disclose the information requested by this Interrogatory.

VI.) "INTERROGATORY NO. 9. Have any of the items referred to above been lost, destroyed, consumed, or otherwise ceased to exist?"

Defendant's answer has failed to account for the records of the incident at issue in this lawsuit, to wit: his performance of a filling procedure on Plaintiff's tooth #14 during the period from 4/15/21-12/24/21. Defendant's answer has likewise failed to account for the record from the "Last Cleaning: 062619" referred to in the document Bates-stamped MED000238; as well as all of the records listed in "II" above as referred to in Bates-stamped documents but not provided as requested.

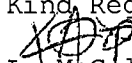
VII.) "INTERROGATORY NO. 10. If so, for each item, state:

- a.A description of the item
- b.The date it was lost or ceased to exist
- c.The circumstances of its loss or the reason it ceased to exist
- d.The name, address, and job title of each person who has knowledge concerning the manner in which it was lost or ceased to exist
- e.The name, address, and job title of each person who has knowledge concerning its nature or contents
- f.Whether there has been any attempt to reproduce, duplicate, or find it, and, if so, a description of each attempt and its results"

Defendant has failed to answer this question in light of the information given in "VI" above; and should be required to disclose the information requested by this Interrogatory.

Please furnish your corrections to the aforementioned deficiencies within the time allowed for by the Federal Rules of Civil Procedure, or I will need to file a motion to compel pursuant to Rule 37.

1/18/24

Kind Regards,

Caleb L. McGillvary
In Propria Persona

CC: FILE